THE VICE-CHAIRMAN (SHRI MD SALIM): Papers to be laid on the Table.

SUPPLEMENTARY DEMANDS FOR GRANTS (GENERAL) 1995-96 (NOVEMBER, 1995)

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (DR. DEBIPROSAD PAL): Sir, I beg to lay on the Table a statement (in English and Hindi) showing the Supplementary Demands for Grants (General) for the year 1995-96 (November, 1995)

MOTION FOR WITHDRAWAL OF THE INDIAN TELEGRAPH (AMENDMENT) BILL, 1995

THE MINISTER OF STATE OF THE MINISTRY OF COMMUNICATIONS (SHRI SUKH RAM): Sir, I beg to move...(*Interruptions*)

SHRI SATISH AGARWAL (Rajasthan): Sir, I have made a request. I have given it in writing. (*Interruptions*).

SHRI GURUDAS DAS GUPTA (West Bengal): Sir, I have also given it in wiriting. (*Interruptions*).

SHRI S. JAIPAL REDDY (Andhra Pradesh) Sir, ...(*Interruptions*).

THE VICE-CHAIRMAN (SHRI MD. SALIM): One at a time. (*Interruptions*).

SHRI SATISH AGARWAL: I have given it in writing.

THE VICE-CHAIRMAN (SHRI MD. SALIM): I have received your request. You have the right to give it in writing. But, please allow him to move first. I have received some names. You will be given a chance.

SHRI S. JAIPAL REDDY: Sir, kindly add my name also.

SHRI SUKH RAM: Sir, I beg to move the...(*Interruptions*).

SHRI NILOTPAL BASU (West Bengal): Sir, we may be allowed to speak. (*Interruptions*).

SHRI SUKH RAM: Sir, I have already circulated a statement giving the reasons for withdrawal of the Bill. (*Interruptions*).

SHRI S. JAIPAL REDDY: It is a whitewash.

SHRI SATISH AGARWAL: Sir, the Minister has circulated a particular statement which is with us. It is a clear whitewash and it is absolutely not convincing at all. This statement is a fraud on parliament. (*Interruptions*).

SHRI S. JAIPAL REDDY: Sir, this statement does not throw any additional light. It only further strengthens our suspicion.

SHRI SUKH RAM: If you want, I can read this statement. (*Interruptions*).

THE VICE-CHAIRMAN (SHRI MD. SALIM): The statement has already been circulated.

SHRI GURUDAS DAS GUPTA: Sir, we want a copy of the statement.

SHRI JAGDISH PRASAD MATHUR (Uttar Pradesh): We want a copy of the statement. When did he circulate it?

SHRI S. JAIPAL REDDY: Mr. Vice-Chairman, Sir, the statement is not only evasive but it is also cryptic. It does not add anything to what we know already and it does not set our suspicion at rest.

SHRU SUKH RAM: I can read to statement. (*Interruptions*). If you want, I can read the statement.

SHRI S. JAIPAL REDDY: Mr. Minister, we are in receipt of your luminous statement. But, our doubts persist.

SHRI GURUDAS DAS GUPTA: Sir, we may be allowed to make our submissions. It is a very important and sensitive issue. We may be allowed to make our submissions.

SHRI SUKH RAM: Sir, I seek the leave of the House...

THE VICE-CHAIRMAN (SHRI MD. SALIM): Mr. Minister, are you moving the motion or are you reading the statement?

श्री संघ प्रिय गौतम उत्तर प्रदेश: (स्टेटमेंट की कापी नहीं मिली है, वह तो दीजिए।

SHRI SUKH RAM: Sir, the statement has already been circulated. If you want I can read it.

THE VICE-CHAIRMAN (SHRI MD. SALIM): The statement has already been circulated to the Members.

SHRI SUKH RAM: Sir, I beg to move the following motion:—

"That this House recommends to the Lok Sabha that the Lok Sabha do agree to leave being granted by this House to withdraw the Indian Telegraph (Amendment) Bill, 1995 which was passed by the Lok Sabha on the 16th August, 1995 and laid on the Table of this House on the 17th August, 1995."

The Question was proposed.

श्री जगदीश प्रसाद माथुर: श्रीमन्, अभी स्टेटमेंट मिला मैंने पढ़ा है। इसमें वही बातें दोहराई गई जो इस सदन में पहले कही गई थीं इसमें विदड्रावल क्यों कर रहे हैं, इसकी एक पंक्ति भी कहीं पर नहीं दी गई है। हम यह अपेक्षा करते हैं कि एक इतने महत्व का बिल, जिसको की आपने यहां पर रखा और सारे सदन ने विरोध किया था और मुख्यतः हमारा विरोध यह था कि किसी प्रकार की बिडिंग इससे पहले नहीं होगी, आपने बिडिंग के लिए घोषणा की है, जो कि इस सदन में जो हमारी भावना थी, आपने उसकी अवहेलना की है। इसी के साथ आपने हिमालच प्रदेश के लिए कुछ कहा है, उसमें भी घोटाला और घपला है। आपने इस सदन के अंदर यह नहीं बताया कि आप इसको विदड्रो क्यों कर रहे हैं। क्या आवश्यकता है विदड्रो करने की? श्रीमन्, मेरी मांग है कि जब तब विदड्रो करने के यह रीजनेबेल कारण नहीं देते कि यह उचित है, तब तक यह सदन इनको विदड्रो करने की परमिशन नहीं देगा। यह मेरा आग्रह है।

दूसरे, आपने इस सदन की भावनाओं की अवहेलना की है, किसी प्रकार की बिडिंग उस समय तक नहीं होगी जब तक कि बिल पूरे तौर पर पास न हो जाए, यह मेरा आरोप है। आप चाहते हैं कि किसी न किसी प्रकार से आप अपने मनमानी करके, बिडिंग करके और अपनी कार्रवाई करें। हम चाहते हैं कि इसको उस समय तक रोका जाना चाहिए और हम आपकी इस बात से कंवींस नहीं हैं कि इसको वापिस ले लें। मेरी मांग यह होगी कि इसका सुधार करके सदन की इच्छाओं के अनुसार बिल को दोबारा लाएं तब हम इस पर बहस करने देंगे।

THE VICE-CHAIRMAN (SHRI MD SALIM): We have received notices. All of you will be given a chance... (*Interruptions*)...It is not a question of long speeches. All of you will be given a chance... (*Interruptions*) Now, Shri Gurudas Das Gupta.

SHRI GURUDAS DAS GUPTA: This is an act of cowardice on the part of the Government. The Government was courageous enough to bring forward this Bill and pass it when the Opposition had unanimously told them that they would not fall a victim to their strategy. At that point of time, you had stated with a brave face that the House would be taken into confidence. You had stated that the Members of all leading political parties would be consulted and after consulting them, an amendment to the Bill would be brought forward. Sir, I would like to say that the Government has acted in a cowardly manner. Since, it did not want to keep its promise, it wants to withdraw the Bill and the reason for withdrawing the Bill, it does not want to divulge. In the meantime, everything has been done that should not have been done that the Minister had promised not to do.

They have done the bidding in private. They have given the contract. They have talked to the people. Is this the way the Parliament should be run? This is a dishonest way of running the Parliament. This is a dishonest way of functioning of the Minister. This is the way in which the Minister does not keep his word. After breaking the promise, he runs away. The minister is trying to run away without fulfilling his promise. Therefore, Sir, this dishonesty must be recorded. We oppose the withdrawal and we want a discussion on the Bill. We are in a position to defeat the Government in this House. The Governmen knows its fate; hence, the Government is running away. This is a dishonest way of dealing with the Parliament.

SHRI S. JAIPAL REDDY: Mr. Vice-Chairman, Sir, the Minister has apparently come forward with a move to withdraw the Bill on the ground that he would come forward, later on, with a comprehensive Bill. Let me, at the outset, state clearly that the credibility of the Minister in this matter is abysmally low. ...(*Interruptions*)...I won't say, 'zero', because there could be some gullible Congress Members who might swallow this bait, hook, line and sinker also. I am aware of the rumblings in the Congress Parliamentary party in the matter. Mr. Vice-Chairman, when this Bill was brought forward in the House in the last session, we opposed it on the ground that it was an apology for a regulatory authority. There should be a full-fledged, comprehensive regulatory authority. That was the quintessence our appeal. The Minister apparently deferred to our view because we happened to have majority in this House. At that time we warned him against the opening of financial bids before the capping pattern was introduced. We told him that it would be tantamount to opening the Pandora's box if the bids were opened without introducing the capping pattern beforehand. The Minister did not listen. Even while the debate was in progress, the minister quietly left the House. We appealed to the then Presiding Officer to ask the Minister to stay back. But under the rules, the Presiding Officer was helpless. Since he was not moving the Bill, there was no way to stop him from leaving the House. That is what the Presiding Officer told us. He was technically correct. The whole House was a mute, helpless witness to his escapade from this House. What happened later on? The financial bids were opened. One company, the Himachal Futuristic Company, a forlorn company which owes its origin to Himachal Pradesh from which the Minister incidentally hails, happened to be the first in so many States. The whole nation was surprised, stunned and shocked at this new colossal corporate phenomenon-one small company being the first in so many States. Then the minister woke up from his deep, faint slumber and imposed the capping pattern. Did the capping pattern announced by him help the country or help the company? The caping pattern announced by the Minister helped the company. This is an overwhelming national consensus. This consensus cuts across the newspapers, political parties and ideological groups. This company has been saved from the burden of nearly Rs. 750 crores' loss. While the capping pattern was being imposed, this company was given the full liberty to choose three circuits from the 'A' group. This company could have been asked to choose those States where its bids were the highest. No, it was not done.

SHRI VAYALAR RAVI (Kerala): Mr. Vice-Chairman, what is its relevance to the subject? It is not a debate. The Minister has a right to withdraw the Bill and we have a right to oppose it. But what is the point in talking about other issues...(*Interruptions*)...

SHRI S. JAIPAL REDDY: Why am I opposing the withdrawal? I am giving the reasons why I am opposing this.

THE VICE-CHAIRMAN (SHRI MD. SALIM): Mr. Ravi, Mr. Reddy is a very senior Member. When a Minister moves a motion, though it may be a motion for withdrawal, Members have a right to speak on that motion.

SHRI VAYALAR RAVI: That is all right. I agree with you. But he is talking about something else.

THE VICE-CHAIRMAN (SHRI MD. SALIM): Mr. Ravi, I have your name also. You will also have the right to speak. When your turn comes, you state your position.

SHRI S. JAIPAL REDDY: If the long story behind the withdrawal involves such a stupendous scandal, it calls for more than a speech. It calls for a denunciatory oration which I am not indulging in.

Sir, the question is: Why is this company favoured? That is the question. This is not a question which we are

putting in this House today. The entire press raised this question. Almost all newspapers wrote adverse editorials on this question. And Mr. Sukh Ram has the great faculty for golden silence! He exercised his right to silence. I am reminded of a White policeman in a recent American case where when he was charged with racism, he invoked the right to silence. So the Minister also invoked his fundamental right to silence. You can't compel him to speak against himself. Therefore, he kept silent. He must explain why he remained silent.

We have been arguing all along that the Telecom Regulatory Authority must be first brought into being and the basic telecom sector should be privatised later on. The Minister in his inexplicable way put the horse before the cart. He reversed the entire process. And what is more, Mr. Vice-Chairman, we learn authoritatively that the Department misled the Supreme Court. It told the Supreme Court that the Parliament had an occasion to discuss it fully. When did Parliament discuss? Did the Parliament discuss the telecom policy? Did the Parliament discuss the change that was brought about in the policy? When you wanted any Indian company to have foreign participation ranging from 10% to 49%, did you take the Parliament into confidence? When you decided that only those companies which have an experience with 5,00,000 telephones could bid, did you take the Parliament into confidence? When you said that the holding company or a subsidiary company of a company which has the experience, can also bid, did you take the Parliamant into confidence? You intorduced all these sweeping changes in the policy in a clandestine way and in instalments. That is the reason why we suspect darkly designs behind this move to privatise. We must make a distinction between privatisation and globalisation. You are globalising the basic telecom service because you are opening it up to 49% of foreign equity, which is globalising the basic telecom sector. You must be able to relate it to the macro-economic problem. We have the problem of foreign exchange earnings. So, how will this country pay the dividend when these foreign companies make dividend on their equity? The Minister doesn't answer this question. The Minister did not permit us to put these questions.

Now, he wants to withdraw the Bill. Is there any guarantee that he will ever bring forward an effective comprehensive Bill. He should not withdraw the Bill without, in the same breath, introducing a new Bill.

We heard earlier that the Government was thinking of promulgating an ordinance. It did not come about. We don't know what happened to this much talked about ordinance. Why should contract-awarding process be so opaque? Why should it not be transparent? And, why should the Minister expose himself to all these charges? He can easily avoid this kind of a situation.

And we have a Finance minister in our midst who makes statements from the economiic fora and never in Parliament to the effect...(*Interruptions*) Please hear me...(*Interruptions*)

That he was not for foreign investment in the core sector. He made this important policy statement repeatedly from a number of economic fora.

THE MINISTER OF FINANCE (SHRI MANMOHAN SINGH): I have never said that.

SHRI S. JAIPAL REDDY: What do you say? No. Let him deny, Mr. Vice-Chairman, that he is for foreign investment in the core sector.

SHRI MANMOHAN SINGH: That is the Government policy.

SHRI JOHN F. FERNANDES (Goa): Sir, he is diverting from the issue.

(Interruptions)

THE VICE-CHAIRMAN (SHRI MD. SALIM) : Do not talk about the core sector. Please come back. *(Interruptions)*

SHRI S. JAIPAL REDDY : Mr. Vice-Chairman, Sir, the basic telecom services are a part of the core sector. So, it is also a macro-economic problem. How do we generate such vast foreign exchange earnings to enable these companies who are investing at 49% equity to repatriate their dividends? Let the Finance Minister give us an empirical model of projected foreign exchange earnings of the country.

Mr. Vice-Chairman, these contracts cannot be allowed to be awarded before the Telecom Regulatory Authority comes into being. The Minister cannot be a law unto himself. We have a very bold Minister who is not afraid of these scandals. I admire his courage! I wish, of course, there were many Ministers in this Cabinet who have this kind of courage. It is really an unparallelled courage. Before this House can permit you to withdraw this Bill, may I request the Minister to come forward with the Bill that he wants to bring? He cannot withdraw it and get away. His brief statement does not say when will he bring the Bill forward. Before we permit him to withdraw the Bill, we would like to have a look at the new Bill, because that may be a rehash of this Bill! Who knows? Why should I set store by the *bona fides* of any Minister, and this Minister in particular, having regard to our bitter bad experience during the last so many months? We cried hoarse in this House. Let the Minister keep on sticking to his perverse policy, the unilateral policy.

The Deputy Chairman in the Chair

Therefore, Madam, I would like to request the Minister not to press for withdrawl of the Bill. Let him answer all the charges. Let him also answer as to what his connection is with this great Himachal Futuristic Company.

SHRI ASHOK MITRA (West Bengal): Madam, a point of order.

THE DEPUTY CHAIRMAN: Yes, please.

SHRI ASHOK MITRA: Madam, before we adjourned in August, the Minister chose not to proceed with the discussion of the Bill. We had pressed him for an assurance that he would formulate the rules first before he proceeds with the Calling Attention, etc. At that time he gave us the assurance that he would not do anything illegal, as if it is within the prerogative of a Minister of the Government of India to do things illegally, but in view of the things that have been done, I would like to request that the Attorney General be invited to come to the House and give us a proper report as to what the Minister has done in the course of the past few weeks is within the ambit of the Government.

SHRI NILOTPAL BASU : Madam.....

THE DEPUTY CHAIRMAN : I have certain names. Your name is after Shri Agarwal. I will call.

SHRI ASHOK MITRA : Madam, a point of order.

THE DEPUTY CHAIRMAN : I heard your ponint of order. I heard what you said in your point of order. I would find out as to what is the legal position of it, whether the Attorney General can be called or should be called in this matter or not. But, I feel that we have to first examine it on the floor of the House. I think all of you are very competent people.

SHRI ASHOK MITRA: We will abide by your advice. ...*(Interruptions)*....

THE DEPUTY CHAIRMAN: My advice is that you are very competent.

AN HON. MEMBER: Is it your ruling, Madam? ...*(Interruptions)*....

THE DEPUTY CHAIRMAN: Still my ruling remains the same about your competence. Okay. Mr. Nilotpal Basu.

SHRI NILOTPAL BASU: Madam, it is a very sad turn of events. I think it was incidental that you were in the Chair when the Minister was talking before us and expressed his intention not to move this Bill. Now, at that very point of time, we had raised a point that without the regulatory authority being put into place, the way financial bids were being processed with, that should be stopped because unless we could put the TRAI in place, there was no justification for it. When we are indulging in reform process, that reform process should be transparent, that reform should be transparent to the whole of the world and that reform should be credible to the whole of the world. He assured us that nothing would be done behind the back of the Parliament. Madam, I recall the sequence of events which has been simply an unprecedented happening in the country. An Ordinance was approved by the full Cabinet meeting and before it even reached the President, that was publicised in the media. I do not know how it was publicised without getting the stamp of approval of the President. It was being publicised in the Press even after the assurance that nothing would be done and whatever would happen that would happen only in this House. So, the Minister will have to explain as to why only three weeks before the Parliament was to meet in its Winter Session, the Ordinance was being planned. What was happened to that Ordinance? This point has to be clarified. Meanwhile, Madam, other horrendous things are happening. Shri Jaipal Reddyji has referred to some of them. Entirely new concepts, which were not there in their Telecom Policy, which were not there in the guidelines for the tender documents, which were also not a part of the tender document, are being introduced today. Now, take the reserve benchmark price. Who has influenced the benchmark price concept? It is the Himachal Futuristics, which was unrealistic from the very outset — it has been termed so; they have influenced that process of the evolution of the concept of reserve benchmark price. Shri Jaipal Reddyji referred to the capping issue. Now, we have some inside information. The Tender Evolution Committee, in fact, suggested a cap of only two Circles. But three Circles were approved by the DOT only with an aim to help a particular company and that company is the Himachal Futuristic. Now, today the Government is announcing that a number of circles will have to be retendered again. We want to demand from the Minister that if he wants to withdraw the Bill, he has to give us a specific assurance since more of the Circles are being retendered in any case, therefore, we will have a full-fledged discussion in the Parliament on the parameters of the tenders and if there be a fresh tendering process, it should be tangible, it should be transparent, it should be credible and it should be acceptable to everybody. I think the Minister should not be having any doubts or disagreements on this, if he has no skeletons to hide. But, given the track record of the Minister, given the kind of ethnic connection that has been recognised by the media and by the experts all ovr the country, I think he has quite a few skeletons to hide in his cupboard.

So, I do not know, but the honourable way would be to discuss it. Otherwise we will be forced to defeat the Government on this issue.

THE DEPUTY CHAIRMAN: That is not called for, that is not called for.

SHRI S. JAIPAL REDDY: He is not able to hide the rattling and reverberating skeletons in the cupboard.

SHRI NILOTPAL BASU: He is compelling us to say all these things. Look at the way he is behaving and the way he is breaking norms.

THE DEPUTY CHAIRMAN: Mr. Basu, whatever allegations you are making you should substantiate in this House. *(Interruptions)*

SHRI NILOTPAL BASU: Let the House go into this, no problem. We have absolutely no problem. We can lay on the Table of the House these documents that we have with us. Let us have a House Committee instituted. Let us have a House Committee instituted. Let us have a House Committee instituted. Let us have a House Committee on this.

SHRI S. JAIPAL REDDY: We will substantiate. Appoint a House Comittee, Madam. Appoint a House committee.

THE DEPUTY CHAIRMAN: Okay.

SHRI S. JAIPAL REDDY: We will substantiate every allegation, please appoint a House Committee.

SHRI GURUDAS DAS GUPTA: Madam, You will remember in the room of the Chairman, there was a meeting. While the Minister was on his way abroad for special treatment..... *(Interuptions).....*

THE DEPUTY CHAIRMAN: We should at least congratulate him that he came back. *.....(Interruptions).....*

SHRI GURUDAS DAS GUPTA: We want him to have a long life and a long span in the Ministry to do all these things that he is doing. But the point is, there was an assurance from the Minister - this is very important, other things are also very important - a categorical assurance that on his return he will discuss the Bill and all the allied issues with the Members of Parliament, particularly those who have been demanding that he should make necessary changes and bring the Bill accordingly. That was a specific assurance from his side. Madam, you may also kindly remember that you were present at that time and there were also other assurances that some things will not be done which he has done. I won't go into that. Other Members have said about it. I want to know why he did not discuss the matter with us, why suddenly he comes here, why suddenly he withdraws, why suddenly he makes a promise and why suddly he decides to break the promise. If this is the culture *.....(Interruptions).....*

उन को बोलने दीजिए। यह मंत्रि-परिषद् का नया कल्चर हो गया है। तो बोलने दीजिए, हम लोग भी उसी कल्चर पर चलेंगे।

डॉ० विप्लव दासगुप्ता: नया कल्चर नहीं है, पुराना कल्चर है।

SHRI ASHOK MITRA: I can provide additional information.

SHRI GURUDAS DAS GUPTA: But the behaviour of Mr. Sukh Ram is an exclusive example of how disrespectful he is to the normal tradition of Parliamentary system. This cannot be allowed. This cannot be allowed. People must feel shame.

SHRI NILOTPAL BASU: I reiterate the demand for a House Committee inquiry into the entire tendering process on the basic telecom services sector.

THE DEPUTY CHAIRMAN: We have other names. Having said that you have all the right to ask the Government and the Parliament and the Chairman to appoint any Committee, I would suggest one thing. If you feel that the Minister was disrespectful in the Parliament, you can accuse him for that. I will substantiate it, as he did it. But to say that he has skeletons which are ratting, it is not proper. Let him first come with the discussion, we are only at a preliminary stage. Let the discussion come before the House. If you are still not satisfied, then you can say what you want, you can state your position.

SHRI GURUDAS DAS GUPTA: When the House is in the initial stage, the Minister is in the final stage. That is the problem.

SHRI SATISH AGARWAL: Madam Deputy Chairman, you may kindly recall that on 22nd August 1995, that is, more than three months back, the hon. Minister sought deferment of this very Bill. On the 22nd of August, there was stiff opposition in this House with regard to

deferment, the reasons for deferment and the justification for deferment.

The Members wanted an assurance from the Hon. Minister that he would do nothing without having a full-fledged debate in the House, or, without taking the House into confidence. But the same evening, i.e. on the evening of 22nd August, he announced some decisions at a Press Conference or some such thing. This happened on the same evening. Then, on this we moved a motion for contempt of the House. A motion for breach of privilege was moved against him the next day or the third day be me and by some others. He would have got a copy of it. I do not want to read the whole of it. The substance is this. In spite of the assurance given to this House on the 22nd August, at the time of deferment of this Bill for consideration, that he would not do anything —— the proceedings can be looked into —— he has violated it. A privilege motion was moved by me, by Mr. Digvijay Singh, by Mr. Nilotpal Basu and several others. The Chairman said that since the Hon. Minister was a Member of the other House, the motion would be referred to the other House for its being gone into by that House.

Thereafter, some three months have gone by now. You sought deferment for bringing forward a comprehensive Bill. You sought deferment for taking the House into confidence. You sought deferment for consulting the Opposition leaders so as to incorporate the views of the Members in a compresensive manner. Now, after three-and-a-half months, you say in your statement now: 'However, now it is proposed to bring a comprehensive Bill, namely, the Telecom Regulatory Authority of India Bill, 1995 before the House for setting up of a statutory Telecom Regulatory Authority of India with clearly defined functions, powers and responsibilities. Hence it is now proposed to withdraw the Indian Telegraph (Amendment) Bill, 1995 already pending in the Rajya Sabha.'

What have you done during these three-and-a-half month? Three-and-a-half months have passed. Madam, I am not sure whether you are a lawyer, or, you have been in the....

THE DEPUTY CHAIRMAN: I have become one in the last nine years I have been in this Chair, I can pass an examination.

SHRI SATISH AGARWAL: Madam, there are two types of evidence recognised in law, in jurisprudence. One is the direct evidence about corruption or murder or complicity in some such offence. The other type of evidence which is recognised by courts all over the country is the circumstantial evidence. Here, many allegations have been levelled. They may be justified or unjustified. I do not say anything. If a House Committee is set up —— I support this demand —— the truth would come out. But with your permission, I would like to refer to a news item regarding the capping of telecom services. (*Interruptions*)

THE DEPUTY CHAIRMAN: Withdrawal Symptoms!

SHRI SATISH AGARWAL: I would just read one small paragraph. This is from the 'Hindustan Times' of 29th September, 1995. This is a paper belonging to Mr K.K. Birla, a Congress (I) Member of this House. It says: 'The multinational companies are making lucrative offers to some of the bureaucrats who are likely to retire soon for taking them into their services at higher salaries. Some have also offered that they would provide highly paid jobs to the sons and daughters of these officials if they let the multinationals a free had in both basic telecom and cellular services. Much canvassing in this connection was done...' It goes on. The sources are also referred to. I do not want to read further.

Then, Madam, the matter went to the Prime Minister. The Prime Minister said: 'No officials' no bureaucrats, should take any decision. When the Minister comes back, he would decide all these things'.

There are a lot of Press clippings which run into more than a hundred pages. They show how the Minister dealt with the whole matter and how he had been changing his stance to favour someone. I need not refer to it. Everybody knows. It is the Himachal Futuristic Company Limited.

Now, is it not a fact that two writ petitions are pending in the Supreme Court? Is it not a fact that your Additional Solicitor-General, Mr. K.T.S. Tulsi, made a statement before the Supreme Court saying that all the issues were duly approved by Parliament after a full discussion? Did he make such a statement? If so, on what basis? Was it not a false statement? Was this matter discussed in the House? Was there a full discussion in the House? Was it approved by Parliament? No. Not at all. Therefore, you are not only misleading the Supreme Court, the apex court of this land, but you are also playing a fraud on Parliament.

In January this year, tenders for basic telecom and cellular services were invited. We are now almost in December. Eleven months have passed. Have you issued even a single licence during the last eleven months to anyone against these tenders? No. Tender is a standard practice the world over for giving contracts. In this tender there is no provision for capping. You did not, intentionally, keep it there. Then you announced the capping of two. Now you have increased the number of cappings to three for cellular and basic, even though in cellular two licences will be issued for each circle against one in basic. Now basic bidders have been allowed to choose three circles. However, in cellular there is no such choice. Why? To favour Himachal Futuristic. You did not mention the reserve prices earlier. No mention of reserve price in the tender! Now DoT has announced the reserve price. Why? However, no reserve price for cellular.

Can you assure this House that no Ordinance will be issued in this period for creating a Telecom Regulatory Authority of India and you will bring this comprehensive Bill in this very session —— the winter session —— because nobody is sure whether there will be a Budget session or not and when the elections will be held? The Government seems to be very panicky. They may hold the elections in February, March or April, or even in May-June. Why curtail their life by six months?

SHRI GURUDAS DAS GUPTA: The economic situation would become much worse.

SHRI S. JAIPAL REDDY: Why lose the chance of awarding tenders?

...(Interruptions)...

SHRI SATISH AGARWAL: Now, is it not a fact that horse-trading in existing licences is going on? Have you not read in the newspapers that the licences cannot be transferred? If licences cannot be transferred, then how is it that Essar has bought over Sterling's licences for cellular in Delhi? Essar has bought the licences of Sterling, though it is prohibited. you find advertisements every day in the newspapers.

And there are so many other things: I can make so many other points. Is it not a fact that Himachal Futuristic and others have sought extension of time for making payments because they do not have the money? *...(Interruptions)...*

THE DEPUTY CHAIRMAN: Let him finish.

SHRI SATISH AGARWAL: There is no decision whatsoever, You sought deferment on the 22nd of August on certain assurances. You did not fulfil them. You went abroad for your treatment —— thank God, you have come back. But again, after $3\frac{1}{2}$ months, you are seeking withdrawal of the Bill, assuring this House that you will bring a comprehensive Bill. But I say in this House, Madam, kindly remember —— let it go on record —— that he will not bring a comprehensive Bill for creating a Telecom Regulatory Authority in this session.

They will issue an Ordinance, incorporating such provisions in that particular Authority or in that Bill, which suits them and their favourites. That is why I oppose it tooth and nail so far as this particular position is concerned.

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश): उपसभाध्यक्ष महोदया, यह जो भारतीय तार अधिनियम 1995 का है और उसकी वापसी के लिए जो संचार मंत्री ने अपना प्रस्ताव रखा है, इसका मैं विरोध करता हूं और मेरे कारण बहुत ही संक्षिप्त हैं। करीब-करीब सभी सदस्यों ने उन कारणों को बता दिया है, लेकिन यह सही है कि मंत्री जी का यह प्रस्ताव, जो उन्होंने दो आश्वासन दिए थे, उन आश्वासनों को भंग करते हैं। एक आश्वासन तो उनका यह था कि विपक्ष से और इस सदन के सदस्यों से वे विचार-विमर्श करेंगे और दूसरा आश्वासन था कि इस संबंध में, जिसकी चर्चा की है कि एक व्यापक विधेयक यथा भारतीय तार संचार नियामक प्राधिकरण 1995 यह लाएंगे। आज फिर वही आश्वासन वे यहां पर दे रहें हैं। मेरी आपत्ति यह है कि जब तक एक कम्प्रिहेंसिव बिल सदन के पटल पर ला नहीं दिया जाता तब तक सदन को इनको अनुमति नही देनी चाहिए क्योंकि लोक सभा द्वारा यह पारित हो गया था, इस सदन के पटल पर पेश किया जा चुका था विधेयक, यहां पर विचार-विमर्श शुरू होने वाला था, उसके बाद मंत्री जी की ओर से यह प्रस्ताव आया कि किन्हीं कारणों से इसके विचार-विमर्श को टाल दिया जाए। जो भारतीय तार अधिनियम में इस सदन की जो राय है, यदि मंत्री जी का प्रस्ताव आज यहां पारित हो जाता है या यह सदन उसको स्वीकृति दे देता है, तो इस सदन के सदस्य उस पर अपने विचार रखने से वंचित हो जाएंगे।

इसलिए इस प्रस्ताव का मैं विरोध करता हूं और सदन से भी मेरा आग्रह है कि उनके इस प्रस्ताव को वह अस्वीकार कर दे जब तक कि एक व्यापक विधेयक को वे सदन के पटल पर लाकर के प्रस्तुत न कर दें।

SHRI VAYALAR RAVI: Madam, I was listening to my friends, Mr. Agarwal and Mr. Jaipal Reddy. They have very vehemently opposed the withdrawal of this Bill. I can see that they are not opposing the withdrawal. They are opposing the awarding of the contract rather than opposing the withdrawal of the Bill. The issues are different. I am in agreement with them on many issues. Especially on the sentiment against privatisation also, I am one who feels that hasty privatisation may not help to achieve the expected development.

SHRI S. JAIPAL REDDY: Bravado! Keep it up.

SHRI VAYALAR RAVI: What I am saying is that the issues are different.

THE DEPUTY CHAIRMAN: Mr. Jaipal Reddy, let him finish.

SHRI VAYALAR RAVI: The issues are different in the sense that withdrawing this Bill is for enabling the Government, as already explained. Concluding his speech, Mr. Jaipal Reddy said that there should be a regulatory Telecom Authority.

SHRI S. JAIPAL REDDY: Yes, where is that?

SHRI VAYALAR RAVI: Mr. Agarwal is also demanding that the Government must come forward with a Bill and that the Bill must be passed in this session itself. It means that all of us, the Minister, yourself and we all are in agreement on one point that there should be a statutory Telecom Authority.

SHRI NILOTPAL BASU: Why should the tenders not be scrapped?

SHRI VAYALAR RAVI: I will explain that point also.

So, everybody including the hon. friends and the leaders, opposed the withdrawal of this Bill. They are agreeing on introduction and passing of a Bill for a statutory Telecom Authority. So, how to bring it?

SHRI NILOTPAL BASU: Not only that but also scrapping of the present tenders so that the entire process can be credible.

SHRI VAYALAR RAVI: Madam, this issue.....

SHRI NILOTPAL BASU: You are hiding behind words. Bluff after bluff has been made in Parliament.

SHRI VAYALAR RAVI: Who is speaking, Madam?

Madam, there is no value to scrapping of an agreement because they are renegotiating with Enron. They have no moral authority to speak of scrapping and renegotiating.

SHRI NILOTPAL BASU: The Government itself is going in for retendering in 15 or 16 Circles. The Government has announced retendering for most of the Circles. Why not scrap the whole tender and discuss the parameters of the new tenders and the basis on which fresh tenders will be there? The Government is retendering, in any case, in 15 or 16 Circles. You do not have the information.

SHRI VAYALAR RAVI: Madam, scrapping of any contract has no sanctity in this country because the same Government cancelled a contract and started renegotiating with Enron. I do not know the provocation for cancellation and renegotiation. Mr. Basu is demanding the Enron phenomenon. I do not agree with him. That is a different matter. But, I am not for awarding a contract I am not going into that question at all.

SHRI NILOTPAL BASU: The two are linked.

SHRI VAYALAR RAVI: Mr. Basu, will you please keep quite for some time? I hear you patiently. Hear my argument. I am speaking about something else.

Madam, the point before the House is very simple. We are in agreement. I respect that the House wants a statutory Telecom Regulatory Authority. How to bring it? My friend, Mr. Satish Agarwal wants an assurance that there should be no ordinance. I believe—and the Minister has to clarify—that notice has been issued to the Lok Sabha. I am not sure about it. I heard in the lobby that notice has been issued to the Lok Sabha for introduction of the Bill. I am not able to say so. The Minister should say that. I am not saying that.

Now, the question is: can we bring a statutory Regulatory Authority before this House without withdrawing the Bill? So, I am requesting you to delink the issue of contract from the withdrawal. You want to club them together. That will not serve the purpose. Mr. Jaipal Reddy was very vocal, and Mr. Satish Agarwal ha put it more emphatically that the Minister means a contract. He went into it in a lot of technical way. Even pending this Bill, the Minister or the Government could go in for awarding a contract. Why oppose it? It will not serve the purpose.

SHRI S. JAIPAL REDDY: Nobody under-estimates the capacity of the Minister for going in for all these things without withdrawing this Bill. Infact, we are increasingly appreciating his infinite capacity.

SHRI VAYALAR RAVI: My simple point is that your opposing the withdrawal would not serve any purpose. You are only blocking the introduction of a new Bill which you had demanded. Madam, several hon. Members, including Mr. Satish Agarwal and Mr. Mathur, had earlier strongly opposed the introduction of the same Bill.

SHRI JAGDISH PRASAD MATHUR: But you have not said anything about why we had opposed it.

SHRI VAYALAR RAVI: Look at the irony. Once they opposed the introduction of the Bill. Now the Government wants to withdraw the Bill. They again are opposing it. You being in the Opposition does not mean that you have only to oppose. You have to support occasionally. Why do you want to show that the Opposition only wants to oppose everything?

SHRI SATISH AGARWAL: Madam, in today's List of Business itself one Bill is being withdrawn and simultaneously another Bill is being introduced. It is in this very List of Business. You see the Building and other Construction Workers (Regulation of Employment and Conditions of Service) Bill. One Bill is

being withdrawn and another is being introduced. Now, why does the hon. Minister not give an assurance, leave aside everything for the time being, that he will introduce a comprehensive Bill as promised in the Statement, in this very Winter Session of Parliament?

SHRI VAYALAR RAVI: Madam, Mr. Satish Agarwal is absolutely right when he demanded in the earlier discussion that there should be a regulatory authority. Now the Government has accepted his demand. The Government now wants to introduce a statutory telecom authority and the assurance has come to the House with a Statement itself. The Minister has placed a statement before the House. The Minister can say whether he has given notice to the Lok Sabha or not. He has to explain that. But the point is that their on demand has been accepted and a new Bill is to be introduced. Then why do they oppose? Why do they want to become a stumbling block? Without the withdrawal of the Bill, a new Bill cannot be introduced. Once they opposed the introduction of the Bill and now they are opposing its withdrawal, because there are some contracts involved. Even with this Bill the contract was there. The contract is something different and this is different. So, I would request them to delink the issue. I agree that the question of the telecom policy is involved. There may be apprehensions about privatisation and the multinationals spread in this country. Many people like us have this apprehension. We will discuss this matter, but it does not mean that they should prevent introduction of the new Bill by disallowing the withdrawal of the earlier Bill. So, I appeal to them to allow the Minister to withdraw the Bill and enable him to introduce a new Bill either in this House or in the Lower House.

श्री सुख राम: उपसभापति जी, माननीय सदस्यों ने जो शंका जाहिर की है, मेरा यह कहना है, उसमें अगर आप आखिरी चार-पांच लाइनें देख लें.....

"However, now it is proposed to bring in a comprehensive Bill viz, the Telecom Regulatory Authority of India Bill, 1995 before the House for setting up the Telecom Regulatory Authority of India with clearly defined functions, powers nd responsibilities. Hence it is now proposed to withdraw the Indian Telegraph (Amendment) Bill, 1995, already pending in the Rajya Sabha".

मैं आपके माध्यम से माननीय दोस्तों से, माननीय सदस्यों से एक दरखास्त करता हूं कि मुझको सुन लीजिए ....(व्यवधान)....

उपसभापति: सुन लीजिए ध्यान से...(व्यवधान).... I have to listen to him also. Please do not have any interruption.

श्री सुख राम: मेरे लंग्स में इतनी पावर नहीं है। ...(व्यवधान)...

3 P.M. मैंने तो आपकी जो इच्छा थी कि जो मैं पीछे बिल लाया था और जब यहां हाउस का कंससेज यह देखा कि कम्प्रहेंसिव बिल लाने की आपकी इच्छा थी, कंप्रहेंसिव बिल लाया जाए ...(व्यवधान)...

THE DEPUTY CHAIRMAN: Mr. Basu, you have made a very long speech. Let the Minister reply.

श्री सुख राम: मैंने आपसे दरख्वास्त की है कि आप मुझे सुन लीजिए। आपको फिर भी तसल्ली नहीं होगी तो आप प्रश्न कर लीजिए मगर बीच में टोकाटाकी न करें क्यों मैं इतना ज्यादा चिल्ला नहीं सकता।

मैंने माननीय सदन की इच्छा के अनुसार एक कम्प्रहेंसिव नान स्टेट्यूटरी बाडी का बिल प्रस्तुत किया। आपका यह कहना था कि स्टेट्यूटरी बिल लाना चाहिए और वही मैंने आपको आश्वासन दिया था और डिफरमेंट इसी वास्ते किया हुआ था। आप की ही इच्छा को मैं पूरा कर रहा हूं और फिर आप यह इल्जाम लगाते हैं कि हाउस की मर्यादाओं को तोड़ा गया, हाउस को डिस्कार्ड किया वगैरह, वगैरह। मैं नहीं समझता कि इसमें कहां तक आप लोग जस्टिफाई अपने आप को कर सकेंगे। मैं आपको यह आश्वासन देना चाहता हूं कि अगर कायदा यह बोलता है, कानून यह कहाता है कि यह बिल पेंडिंग रह सकता है और दूसरा बिल इन्ट्रोड्यूज हो सकता है तो मैं इसको करने के लिए तैयार हूं।

श्री सत्य प्रकाश मालवीय: सर्कुलेट दूसरी चीज है, सर्कुलेट तो हो सकता है।

SHRI MD. SALIM: You can start the discussion.

SHRI NILOTPAL BASU: Yesterday, this Bill had been published in the Press.

श्री सुख राम: आप तो बड़े बड़े पार्लियामेंटेरियन हैं कभी कभी सुनने की बात तो थोड़ा सुन लें और इसके ऊपर अगर आपको कुछ बोलना हो ते बाद में बोलिए। मैंने आपसे पहले दरख्वास्त की थी कि आप इतनी मेहरबानी करिए कि मुझ को सुन लीजिए। अगर कायदे के मुताबिक यह हो सकता है तो मैं इसको इन्ट्रोड्यूज करने के लिए तैयार हूं। मगर कानून विशेषज्ञों ने मुझ को यह मशविरा दिया कि जब तक यह बिल पेंडिंग है, आप नया बिल इन्ट्रोड्यूज नहीं कर सकते। इस वास्ते आज मैं यहां इस माननीय सदन में आया हूं, महज यह बिल विदड्रा करने के लिए। आपकी इच्छा के मुताबिक स्टेट्यटरी बिल क्योंकि जब यह यहां से विदड्रा होगा, क्योंकि लोक सभा ने इसको स्वीकार कर लिया था इस वास्ते यहां से मैंने सब्मिशन किया है तो लोक सभा जो है वह इसमें कन्कर करेगी और वह बिल विदड्रा होगा। ज्योंही इस बिल को लोकसभा कन्करेंस दे दे तो जो कम्प्रेहेंसिव बिल है, स्टेट्यूटरी बाडी को लाने के लिए, वह लोकसभा में इन्ट्रोड्यूज हो जाएगा। अगर यहां पहले इन्ट्रोड्यूज करना है तो मुझ को मशविरा लेना है। मुझे इसमें कोई ऐतराज नहीं है। मगर लोकसभा में इसको इन्ट्रोड्यूज होना है। अगर हमारी नीयत ऐसी होती तो सेशन 22 तक है, मैं उसके बाद आर्डिनेंस भी ला सकता था। मगर मैंने यह समझा कि माननीय सदन में हमको जाना है, माननीय जो हमारे सदस्यगण हैं, उनको कान्फिडेंस में लेकर इसको लाना चाहिए इस वास्ते मैं इसे ले आया हूं। एक तो यह बात है और दूसरा क्योंकि जब बिल सर्कुलेट होगा, मैं भागा नहीं यहां से तो यह भी मैं नहीं समझता कि कहां तक आप अपने साथ इंसाफ कर रहे हैं। मैं भागा नहीं। मैंने उस दिन यही दरख्वास्त की थी कि इसको डेफर करना है और उसे डेफर करके मैंने सबसे पहला काम यह किया, क्योंकि लोकसभा में भी कई दोस्तों की राय थी कि इसको स्टेट्यूटरी लाना है और हमने इस तरह से सोचा था क्योंकि पहले जो हमारा तजुर्बा है, जैसे सेवी में नान स्टेट्यूटरी बाडी आई, उसी के पैटर्न में नान स्टेट्यूटरी बाडी लायें और उसका तजुर्बा देख लें, एक-दो साल। मैंने जो टीमें अधिकारियों की बाहर भेजी सारे स्टडी की जहां टी०आर०ए० बनी हुई हैं। वहां उनमें कई परिवर्तन हुए। जब शुरूआत हुई, उसके आगे चलते चलते तजुर्बे के मुताबिक उसमें कई परिवर्तन हुए। मैं यह चाहता था। मगर आपने कहा है कि नहीं हमको स्टेटयूटरी चाहिए। तो मैं स्टेटयूटरी बिल लाया हूं। वह कम्प्रीहेंसिव है। आपके सामने आएगा। आपने अभी यह कहा-कुछ चीजें ऐसी कहीं जो बड़े दुर्भाग्य की हैं। जब किसी चीज पर बहस करते हैं तो मेरिट्स हैं, डीमेरिट्स भी हैं उसकी उसमें कोई ऐतराज नहीं है। मगर एक बात का अफसोस जरूर होता है जब कैरेक्टर असैसिनेशन की बात हो। देखिए, सत्ता में आज हम हैं, कल आप भी हो सकते हैं मगर कैरेक्टर असैसिनेशन जैसा या और कोई राजनीति में ऐसा हथियार चलाना, इससे ज्यादा कोई और बुराई नहीं हो सकती है। आप मुझ पर इल्जाम लगाते हैं। मैं आपसे एक बात कहता हूं कि संसार का सबसे बड़ा टेंडर यह हुआ है। मैं मानता हूं कि अखबारों में कई चीजों की चर्चा होती है। तो चर्चाओं को हम रोक नहीं सकते। हम नोटिस ले सकते हैं उनकी। मगर मैं आपको इस बात को दावे से कहता हूं कि इतना बड़ा टेंडर है चाहे वह सेल्यूलर का था चाहे वह बेसिक सर्विसेज का था, कोई अंगुली नहीं उठा सकता है जहां तक ट्रांसपैरेंसी की बात है...**(व्यवधान)** आप सुन लीजिए बात को। बाद में जो कहना हो कह लीजिएगा।

श्री नीलोत्पल बसु: मैं तो बोल नहीं रहा हूं।

श्री सुख राम: तो इसकी चर्चा न महज इस देश में बल्कि विदेशों में भी हुई कि ऐसी सौ फीसदी ट्रांसपैरेंसी शायद ही कहीं इतने बड़े टेंडर में हुई होगी। आप मानें या न मानें वह अलग बात है। मगर मैं तथ्यों पर आधारित बात कर रहा हूं। आपने यह बात कही कि मैंने प्रेस स्टेटमेंट दे दिया। मैंने तो कोई प्रेस स्टेटमेंट दिया ही नहीं। जब मैं यहां से गया...

श्री नीलोत्पल बसु: आर्डिनेंस लाने के बाद हुआ था कि नहीं, वह बोलिए।

श्री सुख राम: सुन लीजिए। आर्डिनेंस की जहां तक बात है आर्डिनेंस भी-चूंकि टी०आर०ए०आई० का बनना बहुत जरूरी है ....

श्री नीलोत्पल बसु: अब यह तर्क क्यों दे रहे हैं हाउस के सामने ....**(व्यवधान)**...

श्री सुख राम: मुश्किल यह है कि आप तो सब्र करते ही नहीं हैं बिल्कुल भी।

श्री नीलोत्पल बसु: कैसे करेंगे।

श्री सुख राम: इस टी०आर०ए०आई० का बनना बहुत जरूरी है। यह हमारी कमिटमेंट इस सारे देश को है और सारा संसार इसको जानता है क्योंकि जहां जहां भी

प्रयवेटाइजेशन, कंपटीटिव इन्वायरनमेंट हुआ है जहां भी प्रायवेट सेक्टर आया है वहां टी०आर०ए०आई० का गठन जरूरी होता है क्योंकि टी०आर०ए०आई० सरकार में और प्रायवेट सेक्टर में कोई झगड़ा हो उसका फैसला करता है। अब टैरिफ जैसा बड़ा मामला है, इस टैरिफ की पावर भी हमने टी०आर०ए०आई० को दे दी। उसके साथ साथ जो सबसे बड़ा काम टी०आर०ए०आई० का है वह जो इस देश के उपभोक्ता हैं उन उपभोक्ताओं के हितों की रक्षा करना है। उसके लिए यह अथारिटी है। एक मुगालता जरा है कि लाईसेंसिंग का काम बंद कर दिया जाए। थोड़ा मैं इसमें आपको बात साफ करता हूं। माननीय सुप्रीम कोर्ट के सामने भी एक रिट पेंडिंग है। कुछ माननीय सदस्यगण ही उसमें गए हुए हैं।

श्री एस० जयपाल रेड्डी: क्या करते।

श्री सुख राम: एक तो वह है, और एक कहीं हाई कोर्ट में हुई थी उधर कि यह जो लाइसेंसिंग का, टेंडरिंग का जो काम है वह बंद कर दिया जाए। यह गुवाहाटी हाईकोर्ट की हक बेंच ने, सिंगलबेंच थी शायद, फैसला दिया कि स्टे आर्डर कर दिया जाए। हम उसके खिलाफ सुप्रीम कोर्ट में गए 23 तारीख को हमारे टेंडर की डेट थी और 22 तारीख को सुप्रीम कोर्ट ने उसको वैकेट किया। और वेकेट ही नहीं किया यह भी डाइरेक्शन दी सभी हाई कोर्ट को कि बेसिक सर्विस के बारे में जो भी रिट पटीशन किसी हाई कोर्ट में हो वह सारी सुप्रीम कोर्ट को ट्रांसफर होंगी। यह भी हो गया और उसी बीच में हम जब एक टेंडर, क्योंकि यह नहीं, मैंने यहां पर यह कहा था कि जो कानून इजाजत देगा, मैं कानून के बाहर नहीं जाऊंगा और यह एक्ट के तहत, रूल के तहत, जहां तक लाइसेंसिंग की पावर है वह सरकार को है। यही नहीं है यू०के० में है, कनाडा में है, आस्ट्रेलिया में, जहां-जहां, कहीं-कहीं ऐसा अगर मेरे नॉलेज में कोई न हो तो अलग बात है, मगर मैंने इस के बारे में छान-बीन कराई है। ...(व्यवधान)...

SHRI S. JAIPAL REDDY: Mr. Minister, will you yield for a minute? I would like to say something. Since you are good enough to refer to UK, Australia and Canada, may I, in all humility, inform you that in the United Kingdom, Australia and Canada, the regulatory authority was first brought into being before the privatisation was embarked upon? Why are you reversing the process here?

श्री सुखराम: हो सकता है आपका नॉलेज मुझसे ज्यादा हो, मगर जो मैंने यहां से अधिकारियों की टीम भेजी और जो रिपोर्ट मेरे पास आई है उसके मुताबिक प्राइवेट सैक्टर यहां आया है। रेगुलेटरी अथारिटी महज लाइसऐंस देने के लिए तो नहीं है, मगर बाकी जो मसले पैदा होते हैं उसके लिए रेगुलेटरी अथारिटी है। इसी वास्ते हम कौन है और आप भी है। आपका भी यही रहा कि रेगुलेटरी अथारिटी आनी चाहिए, उपभोक्ताओं की रक्षा होनी चाहिए। आज झगड़े हैं, टैरिफ है बहुत सी पावर्स हम उनको, रेगुलेटरी अथारिटी को दे रहे हैं और सुप्रीम कोर्ट के जज की अध्यक्षता में अथारिटी हम बना रहे हैं। ...(व्यवधान)...

उपसभापति: यह पार्लियामेंट है, मंत्री जी मैं आपको एक बात की तरफ रेफर करना चाहती हूं। हमारे देश के कंस्टीट्यूशन में है कि तीन डेफीनेट भाग बनाए हैं। एक पार्लियामेंट है, हक एग्जीक्यूटिव है और एक हमारी जुडीशियरी है। जो हमारे लोग कोर्ट में गए है, पता नहीं वे क्यों गए है? ...(व्यवधान)...

SHRI M.A. BABY (Kerala): Madam, he is not listening to you.

THE DEPUTY CHAIRMAN: No, no. I am hearing everything. What I am trying to say is that everyday we refer to the Courts. We go to the Court, We appoint Judges. You are the elected representatives of the people and more than one million people elect you. I think you are also quite good judges to protext the interests of the people. To refer to the Court every time on the floor of this House is not in tune with our constitutuional spirit. I am sure the Courts also do not do this.

SHRI GURUDAS DAS GUPTA: What is the remedy?

THE DEPUTY CHAIRMAN: Mr. Gurudas Das Gupta, don't interrupt me. I am taking it very seriously. Don't interrupt me. I don't want to be misquoted. The Courts also do not like to interfere with or refer to the Parliamentary democracy. We also do not like to interfere with the Judiciary. Let us keep our own system. If you have any problem, you discuss it on the floor of this House. This House has got the highest authority to ask the Government,

to censure any Government—not this Government but any Government—we have done it many times in the past. You have all the devices and the means with you. This is my sincere advice to you that according to the oath which you and I have taken in terms of the Constitution on the floor of the House, we must abide by that oath.

SHRI GURUDAS DAS GUPTA: Madam, may I respond to your advice?

THE DEPUTY CHAIRMAN: I don't want any responses. I made a comment.

SHRI GURUDAS DAS GUPTA: I welcome your comment. May I submit one thing? This House is constantly sought to be devalued by the Executive and if all our warnings fall flat on them, what is the remedy available to us? Can you enlighten us on this?

THE DEPUTY CHAIRMAN: The remedy is the House only. We have to find a remedy within the House.

SHRI NILOTPAL BASU: Madam, you can tell us what we can do immediately when the Minister has tried to mislead the House with wrong information. Madam, you please tell us what we can do when repeatedly the Minister has tried to mislead the House with wrong information...*(interruptions)*... There is a new Telecom Policy document before us. ...*(interruptions)*...

THE DEPUTY CHAIRMAN: Mr. Jaipal Reddy, let him finish. ...*(interruptions)*...Listen, I only made an observation. If you feel, Mr. Basu, that not only in the past but also in the future and even at present anyone, whether a Minister or a Member, misguides or misleads another person, you have the devices within your power, the safeguards, to take recourse to, but by not using your own devices and by not exhausting them, if you keep going out of your own system, then you are devaluing the system of which you are yourself a member. This is what I am trying to say. ...*(interruptions)*...

SHRI S. JAIPAL REDDY: Madam, I entirely agree with your general observation both in letter and spirit. Madam, I owe an explanation. I am one of the Members who filed a writ petition before the Supreme Court.

THE DEPUTY CHAIRMAN: I did not know that.

SHRI S. JAIPAL REDDY: I owe an explanation. The Minister has just now stated on the floor of the House that he would do what the law permits him to do. It was a writ petition against the misdeed of the executive. The executive can be checked through the judiciary as well. When we think that the Minister is deliberately misusing the authority conferred on him as a Minister, we will explore and exhaust all the remedies the system offers. Court is one of the remedies. We go to the Supreme Court as citizens and not as Members of Parliament. It is a sad comment that the Minister through his conduct drives the Members of Parliament to rush to the Supreme Court. That is the problem. Why did he create this situation? Why can't he undo the situation? Why can't he first take the Parliament into confidence?

THE DEPUTY CHAIRMAN: Mr. Jaipal Reddy, today the House is in session. Jaipal Reddyji, today is the first day of the current session of the Parliament. The Minister is before you. He is bringing a motion for withdrawal of his Bill considering that he would like to bring another comprehensive Bill. I feel that whatever be your charges, views, feelings, unhappiness or agony, why don't you ask him now? Why do you want to wait for somebody else to decide? He will answer. We are there to protect you ...*(interruptions)*...

SHRI S. JAIPAL REDDY: Madam, we have just now tabled the motion. We have given a notice for the motion for appointment of a House Committee to look into the allegations which we have made with full sense of responsibility.

SHRI SATISH AGARWAL: Madam, I seek your protection...*(interruptions)*... I seek your protection. ...*(interruptions)*...

THE DEPUTY CHAIRMAN: One Member is speaking. ...*(interruptions)*... One person is speaking. Will you please sit down?

DR. BIPLAB DASGUPTA (West Bengal): Madam, I will only make one point

THE DEPUTY CHAIRMAN: Mr. Agarwal is already on his legs.

SHRI SATISH AGARWAL: Madam, you rightly said and I was one with you on this issue, along with others. May I know what has happened to my privilege motion given 3 1/2 months earlier?

THE DEPUTY CHAIRMAN: I will find out.

SHRI SATISH AGARWAL: Madam, you are talking about our own system. In our system I moved a motion. I gave notices on 22nd of August or 23rd of August. What has happened in the last 3 1/2 months? The Minister is not aware of that. It means either it is pending here or it is pending there and it has not been served on him. No reply has been sent to me. There is nothing absolutely. Mr. Digvijay Singh was there, Mr. Nilotpal Basu was there.

THE DEPUTY CHAIRMAN: Mr. Agarwal, I have been informed by the Secretariat that they have asked for the comments of the Minister. मंत्रीजी, आप ने कॉमेंट्स भिजवा दिए?

श्री सुख राम: मैं देखता हूं। मैंने कॉमेंट्स भिजवाए होंगे।

I have never gone to the Press in this matter. This much I can tell you. I have never gone to the Press. *(Interruptions)*...

SHRI SATISH AGARWAL: We have not gone to the Press. We raised the matter in the House. *(Interruptions)*... We have not gone to the Press. I also did not go to the Press. I raised the matter in the House and gave a proper notice. He is not aware of it. Just see

THE DEPUTY CHAIRMAN: Mr. Agarwal, I understand the point. But there is a Chairman in this House and there is a Speaker in the Other House. If the Presiding Officers of both the Houses have not...*(Interruptions)*...

SHRI K.R. MALKANI (Delhi): What is the time lag?

THE DEPUTY CHAIRMAN: Just one minute. Let me finish. If three months have passed, I tell you, as the Chairman of the Privileges Committee, that the privilege matter does not come to me till the Chairman accepts it. So, I am not the right person to answer. I will find out what happened and inform you. In this case the privilege matter has to go to the other House. If so much time has passed, you can always ask the Chairman or the Speaker as to what is happening. We can expedite the matter because we should give the benefit of doubt to the Minister and clear the doubts in your mind. These Committees have been set up so that all the problems of the Members, the Minister and the House could be settled within our own system . This is my own feeling as a Member of this House for the last 15 years. I am finding it in a quite different way. *(Interruptions)*...

SHRI GURUDAS DAS GUPTA: Madam, I have a point.

THE DEPUTY CHAIRMAN: Let us go ahead and finish it. We have got other business. *(Interruptions)*... Let us finish the other business also. *Interruptions)*...मंत्री जी को बोल लेने दें।

SHRI SUKH RAM: Let me complete. *(Interruptions)*...

श्री संघ प्रिय गौतम: एक मिनट उपसभापति जी। ...(व्यवधान)... आप दस मर्तबा बोले हैं, मुझे एक मिनट बोल लेने दीजिए।

उपसभापति: आप क्या कह रहे हैं, अभी उनको जवाब देने दीजिए। ...(व्यवधान)...

श्री संघ प्रिय गौतम: मैडम, मैं यह कह रहा हूं। I am raising an entirely new point. Madam, please allow me to speak. (*Interruptions*)...

मैडम, मोशन क्या है? क्या लेंगुवेज है इसकी? क्या यह यहां से विदड्रा कर रहे हैं या लोकसभा इसे विदड्रा करे।

Please listen to it.

> "That this House recommends to the Lok Sabha that the Lok Sabha do agree to leave being granted by this House to withdraw the Indian Telegraph (Amendment), Bill, 1995 which was passed by the Lok Sabha on the 16th August, 1995 and laid on the Table of this House on the 17th August, 1995."

I am confused.

THE DEPUTY CHAIRMAN: I will explain that. (*Interruptions*)...

श्री संघ प्रिय गौतम: मैडम, आपने एक स्टेटमेंट दिया। इसमें क्या लिखते हैं लास्ट में,

> "Hence it is now proposed to withdraw the Indian Telegraph (Amendment) Bill, 1995 already pending in the Rajya Sabha."

मैडम, मैं बहुत छोटे दिमाग का आदमी हूं। पहले तो आप इसे समझाइए। यह दोनों कंट्राडिक्टरि हैं। तो पहली बात मैं यह जानना चाहते हूं। दूसरे, मैडम, मेरा सिर्फ एक आरोप है। अभी मंत्री जी ने कहा कि सारे विश्व में प्रशंसा हुई है आपके इस बिड की, जो आपने दिया है कांट्रेक्ट। आप केवल एक काम कर दीजिए, आपकी ईमानदारी पर कोई शक नहीं होगा। पहले तो मैं आपको बधाई देना चाहता हूं। मैं आपसे सहमत हूं, इस सदन की गरिमा हमारे हाथ में है और अगर सदन चाहे, सरकार चाहे, हमको न्यायालय के सामने जाने की कोई आवश्यकता कभी नहीं पड़ सकती। केवल संवैधानिक मामलों को छोड़कर, जहां हम संशोधन करते हैं इस संविधान का, लेकिन शक का भाव और नियत में फर्क वह हमें मजबूर करता है अदालत के सामने जाने को।

मैडम, मंत्री जी हमें बताएं, कुल कितनी कंपनियों के टेंडर आपके सामने आए? उन्हें सदन के सामने रखिए। दूसरा टेंडर कितने-कितने के आए, यह सदन के सामने रखिए और तीसरे उन कंपनियों का स्टेटस क्या है? आपने जिसको दिया है, वह स्टेटस में सबसे छोटी कंपनी है और इससे ज्यादा उसके टेंडर, मेरी जानकारी में बड़े टेण्डर, को आपने रिजेक्ट किया है। अगर मेरा एलीगेशन गलत है तो आप इस जानकारी को सदन के सामने रखें और तब तक के लिए इसको पेंडिंग रहने दीजिए। अगर आप संतुष्ट कर देंगी तो हम आपका साथ दे देंगे। आप जरा इसको स्पष्ट कर दीजिए। मुझे इतना ही कहना है।

THE DEPUTY CHAIRMAN: Let me tell you one thing. This Bill was passed in the Lok Sabha and then it was brought there. So, it is, at the moment, pending with us. Now he wants to withdraw it from here. He will go to the Lok Sabha and withdraw this Bill from there. After that he will introduce another Bill with whatever suggestions have been made in the House.

SHRI TRILOKI NATH CHATURVEDI (Uttar Pradesh): Madam, he should have added this also.

श्री संघ प्रिय गौतम: यह इसमें होना चाहिए और इसकी भाषा केवल इतनी होनी चाहिए कि

I be allowed to withdraw the Bill which is before the House.

यह घुमा-फिराकर लाने की क्या जरूरत है?

उपसभापति: अभी जवाब दे रहे हैं, अभी पूरी बात तो खत्म हो जाने दीजिए, पूरी बात खत्म नहीं हुई है उनकी।

श्री सुखराम: मैं एक तो इस बात की पूरी डिनाइल करता हूं कि कोई मैंने इस माननीय सदन की गरिमा को कम किया हो या कोई मैंने निष्पक्षता से काम न लिया हो, इसको मैं अपनी पूरी शक्ति से डिनाइल करता हूं। यह जो एक बात कही जा रही है कि हिमाचल फ्यूचरिस्टिक को क्योंकि वह कम्पनी हिमाचल में है, इसलिए मैंने उनको कोई विशेष सुविधा दी हुई है, सही बात नहीं है। टैंडर इन्वाइट हुए, सब लोगों के सामने खुले उनके और टेंडर कंडीशन्स में हमने यह किया हुआ है कि अगर "ए" क्लास स्टेट में कोई टैंडर देते हैं तो 50 करोड़ की सिक्युरिटी होगी, "बी" में देते हैं तो 25 करोड़ की सिक्युरिटी है और "सी" में देते हैं तो 5 करोड़ की सिक्युरिटी है और उसके अलावा उस कम्पनी का जो नेटवर्क है, वह नेटवर्क भी 300 करोड़ होना चाहिए और यह नेटवर्क एक स्टेट के लिए है। अगर वह 5-7 स्टेट के लिए देते हैं तो उससे मल्टीप्लाई कर दीजिए, उतना नेटवर्क उनका होना चाहिए और मैंने

उसकी एक हाई पावर कमेटी, एक मैम्बर जो कि सैक्रेटरी लेवल का है, उसकी अध्यक्षता में कमेटी बनाई, जिसमें एक्सपर्ट्स हैं और उनको मैंने यह मामला दे दिया। अगर यह बात है, मुझे अफसोस है थोड़ा कि इससे भी जो लिखी हुई है चीजें, कागजात हैं, जिस पर सारी दुनिया की नजरें लगी हुई हैं ...(**व्यवधान**)...

श्री संघ प्रिय गौतम: आप ला तो दीजिए, दिखा तो दीजिए।

श्री सुख राम: आप पहले मेरी बात सुन लीजिए। मैंने कोई दखल नहीं दिया था जब आप बोल रहे थे, अब आप मेरी बात सुन लीजिए पहले। 9 स्टेट्स में उनकी हाइऐस्ट बिड है और मैंने इस माननीय सदन में, यहां भी और लोक सभा में भी, जब माननीय सदस्यों ने एक बात की शंका जाहिर की थी कि किसी कम्पनी ने देश के बहुत से सर्कल का टैडर दिया था, क्या मोनोपली तो नहीं देंगे? मैंने कहा था कि एक मोनोपली को तोड़कर हम दूसरी मोनोपली पैदा नहीं करेंगे, मोनोपली टेंडर हम नहीं होने देंगे और हमने सबसे और सारे, जिसमें विदेशी भी शामिल हैं, वे भी देखते हैं, वे तो कहते हैं कि हमको 9 के 9 दे दीजिए। आप सारा हिन्दुस्तान एक कम्पनी को दे सकते हैं, रुपया तो आपको ज्यादा आता है। बेशक आता है रुपया, मगर आप आधा हिन्दुस्तान एक कम्पनी को नहीं दे सकते। एक हम डी०ओ०टी० की मोनोपली तोड़ने जा रहे हैं और दूसरी तरफ से एक प्राइवेट कम्पनी थी, उसको हम मोनोपली दे दें, यह नहीं था। उसी प्रकार टेंडर में भी चाहे एक कम्पनी, 5 स्टेट्स में भी उनके हाइऐस्ट बिड थी, हमने केप इस वास्ते लगाई और वह केप लगाने का अधिकार हमको है, हमने टेंडर कंडीशन रखा हुआ है कि the Government has reserved the right to allot any number of States to the licensee.

SHRI S. JAIPAL REDDY: Why was it.....

SHRI SUKH RAM: Mr. Jaipal Reddy, I have great respect for you in spite of the fact that you have left no stone unturned for assassinating my character. Still I have great respect for you because you are a veteran parliamentarian. Whatever you do that is justified. Even if you produce some papers without any signature or authority, this House takes cognizance of that. I am accused for that. I have not done anything. But I have tolerated that.

मगर एक बात और है। आपने जो इल्जाम लगाए, आपको यह मालूम है कि इस देश का पहला इतिहास है ...(**व्यवधान**) पहले मेरी बात सुनिए। मैंने पचास पाउंड स्टर्लिंग का मुआवजा एक विदेशी अखबार से लिया है। मेरी करेक्टर एसेसिनेशन हुआ था। उसकी तो आपको तारीफ करनी चाहिए। आप यहां कह रहे हैं कि मैं यहां कोई गड़बड़ कर रहा हूं। सारे देश की नहीं बल्कि सारे संसार की नजरें उस पर लगी हुई हैं। मगर फिर भी आपको अधिकार है कहने का। मैं इस बात को नहीं कहता। मगर सारे संसार में जो चीज है, जो लाइसेंसिंग है और आप कहते हैं कि सुप्रीम कोर्ट में आप गए। हमने इसका ऐतराज नहीं किया। आपने सुप्रीम कोर्ट में याचिका दायर की, पीटिशन दायर की। आपने यह कहा कि डी०ओ०टी० को, इस मिनिस्ट्री को यह जो लाइसेंसिंग है उसको स्टे दे दीजिए। वह लाइसेंसिंग सुप्रीम कोर्ट ने रिजेक्ट कर दिया, मैं नहीं जानता। मैंने न वह पढ़ा है और न जो आपकी पीटिशन है उसको पढ़ा है। मगर मुझको जो निर्णय बताया गया है कि सुप्रीम कोर्ट ने इस बात को कहा है कि हम इस बात को नहीं मानते, They may go ahead with the licensing process. यह सुप्रीम कोर्ट का फैसला है। यह मेरा नहीं है। अभी आपने कहा सेल्यूलर में, अखबार में जो ऐसी खबरें हैं उनको आप ले आते हैं परन्तु यह भी तो अखबारों में आया है कि सेल्यूलर के एल०ओ०वाई० एक स्टेज जिसमें दो बराबरी-बराबरी के निर्णय लेने के अलावा सेल्यूलर के एल०ओ०वाई० तकरीबन-तकरीबन सभी को इश्यू हो गए हैं और बेसिक में, आपने कहा कि यह रिजर्व प्राईस कैसे निकली? आपको तो मेरी तारीफ करनी चाहिए थी इसके लिए ...(**व्यवधान**)

श्री एस० जयपाल रेड्डी: दो घंटे से वही तो कर रहे हैं।

श्री मोहम्मद सलीम (पश्चिम बंगाल): आपके लोग आपकी तारीफ नहीं कर रहे हैं।

श्री सुख राम: विरोधी की तारीफ करने के लिए इतना बड़ा दिल होना चाहिए। शायद दिल में कोई कमी होगी। एक बात बताइए मुझको। मैं तो सारे लाइसेंस अवार्ड कर देता। ...(**व्यवधान**)

उपसभापति: मंत्री जी का दिल एकदम साफ है। ....(**व्यवधान**)

श्री सुख राम: आपने कहा था Whether the Government will accept the bid of any company if there is no competition.

मैंने जवाब दिया था—If the bid is reasonable, then we will accept, even if it is a single bid. That was my reply. Now we come to the question of reasonability. अभी जो बिड आई थी वह इतनी कम थी जिसमें हम 15 साल के लिए दे रहे हैं। उसमें हमको मार्केट टैस्ट करनी है। अभी हमने जो रीजनेबेल एक लेविल लगादी उससे नीचे जितने लोग थे चाहे कितना प्रभावशाली क्यों नहीं था, मगर सभी को रिजेक्ट कर दिया, ताकि पैसा भी हमको ठीक आए और जो सीमा है वह सीमा निर्धारित कर दी। अगर वह सीमा हम पहले ही निर्धारित कर देते तो जो हिमाचल की बात करते हैं उसकी 15 हजार करोड़ रुपए दिल्ली की बिड है—हाईएस्ट है। जो सेकेंड हाईएस्ट थी शायद 13 या 12 हजार थी, वह हाईएस्ट बिड आपको नहीं आती। अब तो मुझको उम्मीद है कि जब हम रि-बिड करने जा रहे हैं, हमको 40-50 हजार करोड़ रुपया और आएगा और इसी में सेल्यूलर और दोनों मिला करके, मैंने पहले भी कहा था और आज भी कहता हूं कि एक लाख करोड़ रुपए से ज्यादा रुपया इस देश का आ गया है। जो कि मैं समझता हूं आप का जहां तक टेलीकम्यूनिकेशन का ताल्लुक है, इस में कोई देश बड़े से बड़ा क्यों न होगा टेलीकम्यूनीकेशन में हिन्दुस्तान किसी के मुकाबले से कम नहीं रहेगा, ज्यादा होगा। वेल्यू एडिड सर्विसेस को हम ने इस देश में कर दिया। चार महा नगरों में अभी लोग सेल्यूलर टेलीफोन ले कर घूम रहे हैं। हमारे देश में छह महीने में सेल्यूलर टेलीफोन होगा। ...**(व्यवधान)**... उस में गलतियां होगीं। ...**(व्यवधान)**...

SHRI GURUDAS DAS GUPTA: Madam, we are doing everything for the monied people. But how do our telephones work? Telephones in most of the towns including New Delhi do not work properly. But you are arranging for cellular phones!...*(interruptions)*...

THE DEPUTY CHAIRMAN: Let us finish the discussion. Let us go ahead with other business.

SHRI GURUDAS DAS GUPTA: What is this cellular phone? Whatever it is, you are rendering a good service to the monied people. It is good.

THE DEPUTY CHAIRMAN: Let us conclude the discussion.

SHRI GURUDAS DAS GUPTA: Mr. Minister, do you know how many telephone exchanges are functional in the country? It is not only in Calcutta, it is the same in Delhi and in a number of other towns.

SHRI SUKH RAM: I am very happy to inform this House that the first cellular phone was taken by Shri Jyoti Basu, the West Bengal Chief Minister.

SHRI GURUDAS DAS GUPTA: So what? That does not bring any credibility to you.

DR. BIPLAB DASGUPTA: Madam, it is very pathetic that the Government seeks to justify...*(interruptions)*...

SHRI GURUDAS DAS GUPTA: Madam, we do not want cellular phones. We want better telephones, working telephones. We want the better functioning of the telephones.

THE DEPUTY CHAIRMAN: Okay. Let us conclude the discussion now. We have got the Business Advisory Committee meeting at 4.00 p.m. Therefore, let us finish the discussion now.

SHRI GURUDAS DAS GUPTA: Madam, it is absolutely shameful ...*(interruptions)*...

श्री सुख राम: मेरी मैडम, फिर से दरख्वास्त है। आप ने उस का विरोध किया, यह आप का अधिकार है। मैं उस को बुरा नहीं मानता ...**(व्यवधान)**... मेरी बात सुन लीजिए, गुस्से से कोई मामला हल नहीं होता। मैं ईमानदारी से इस सम्मानीय सदन की गरिमा को देखते हुए और उस में आप को विश्वास में लेने के लिए यह बिल लाया था। मगर आप को यह मंजूर नहीं है, नहीं लेना है तो मुझ पर यह इल्जाम मत लगाइएगा कि इस हाउस के पीछे कुछ हो गया या फिर टीआरएआई नहीं बना। हम कमीटिड हैं, हम को टीआरएआई जरूर बनाना है। इस सम्मानीय सदन को अगर उन दोस्तों को यह मंजूर नहीं है विद्ड्रा करना, तो मुझ को इल्जाम मत देना बाद में कि आपने हमें ...**(व्यवधान)**...

SHRI S. JAIPAL REDDY: Madam ...*(interruptions)*...

SHRI SUKH RAM: Mr. Reddy, you should have some patience. मैंने आप के सम्मान को बढ़ाया और आप मुझ को ही दोष दे रहे हैं और मुझ पर ही इल्जाम लगा रहे हैं। मगर मैं आज भी आपका सम्मान करता हूं। आपके सम्मान को ध्यान में रखते हुए मैं इस बिल को विदड्रा करने के लिए प्रेस नहीं करूंगा। ...(व्यवधान)...

THE DEPUTY CHAIRMAN: Mr. Reddy, please listen to the Minister ...(*Interruptions*)...

SHRI S. JAIPAL REDDY: Madam, he is trying to mislead the Parliament. He is trying to mislead the whole nation. We are opposing the withdrawal of the Bill because ...(*Interruptions*)...

SHRI SUKH RAM: Madam, this is an absolutely false charge. I categorically deny it. I am not trying to mislead the Parliament. But in case the T.R.A. does not come into existence and if his Bill is not brought before the Parliament, then it will be your responsibility, not my responsibility.

SHRI S. JAIPAL REDDY: Madam, we are for the T.R.A. Mr. Minister, will you kindly yield?

SHRI SUKH RAM: My dear Reddy, I will not yield to you. I am not yielding.

SHRI S. JAIPAL REDDY: you don't yield to anything. That is the problem.

SHRI SUKH RAM: Mr. Reddy, I have to conclude. I have not interrupted you when you were speaking. I was listening to you very patiently. But at every point you are interrupting me. This is not fair for a Parliamentarian like you.

THE DEPUTY CHAIRMAN: Mr. Minister, you please speak.

SHRI SUKH RAM: I am not pressing for the withdrawal of this Bill, but as a result of this ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: Let him finish.

SHRI SUKH RAM: ...but as a result of this, if I am not in a position to introduce this Bill in the Lok Sabha, the hon. Member should not accuse me for that; and, if the TRA is not constituted, for which they have been pressing, then it will not be my fault. The TRA is a must. This is our commitment to the entire nation and the whole world. (*Interruptions*)

THE DEPUTY CHAIRMAN: Let him finish (*Interruptions*) Let him finish.

SHRI SUKH RAM: So, now I will not press this Bill because they have all opposed it. (*Interruptions*)

SHRI S. JAIPAL REDDY: I have been trying to clarify one thing, Madam. If the Minister is thinking that by not pressing for the withdrawal he will be able to blame the Opposition for the failure to bring the Regulatory Authority into being, he is living in a fool's paradise. He will not be able to fool anybody through such small-time tactics. (*Interruptions*) I am making my point. (*Interruptions*) I am making my point.

SHRI JOHN F. FERNANDES: Madam, it is unparliamentary.

SHRI SUKH RAM: How can he say it? (*Interruptions*)

MINISTER OF STATE IN THE MINISTRY OF FINANCE (DR. DEBIPROSAD PAL): This is character assassination. (*Interruptions*)

SHRI S. JAIPAL REDDY: Madam, I have a positive suggestion. (*Interruptions*) My point is, Madam, ...(*Interruptions*)

श्री एस०एस० अहलुवालिया: उन्होंने आपकी भावनाओं की इज्जत की है। उन्होंने कहा कि मैं प्रेस नहीं कर रहा हूं। इस पर आपको क्या आपत्ति हो सकती है। ...(व्यवधान)...

SHRI S. JAIPAL REDDY: You see, the Minister is stating, Madam, ...(*Interruptions*) I have a suggestion. (*Interruptions*)

THE DEPUTY CHAIRMAN: Do you want the Bill to be withdrawn? (*Interruptions*)

SHRI S. JAIPAL REDDY: I have a suggestion, Madam. (*Interruptions*)

THE DEPUTY CHAIRMAN: Will you please let me handle it? (*Interruptions*) Would you like him to get it withdrawn or not?

SHRI S. JAIPAL REDDY: We will agree to the withdrawal provided understanding between the Government and the Opposition about the nature of the Regulatory Authority is reached as a prelude to withdrawal because this withdrawal does not mean anything by itself. So, let there be a friendly gentlemen's detailed understanding between the Government and the Opposition in the Chairman's Chamber or in your presence about the details, about the nature, about the character of the new Bill. If that understanding is reached, we have no objection. We will agree. (*Interruptions*)

THE DEPUTY CHAIRMAN: Now, let us finish it. (*Interruptions*)

SHRI GURUDAS DAS GUPTA: May I suggest ...(*Interruptions*) May I submit ...(*Interruptions*)

SHRI SUKH RAM:...You see, we brought in comprehensive legislation. *(Interruptions)* I have done that. But they must honour their commitment. How is it possible now? It is not possible. I am not pressing for the Bill. (*Interruptions*)

SHRI S. JAIPAL REDDY: If you think, Mr. Sukh Ram, that you can indulge in scandals and get away, you are living in a fool's paradise, your Government is living in a fool's paradise. Do you think that by preventing... (*Interruptions*) Nobody can get away with scandals. (*Interruptions*)

SHRI GURUDAS DAS GUPTA: If the Minister is really honest, then his behaviour will be justified if he takes into account the opinion and suggestions of the Opposition while discussing and piloting the Bill. If he doesn't do it, then this will again be counted as another gesture of dishonesty.

THE DEPUTY CHAIRMAN: Now, let him finish it. (*Interruptions*)
अब बात खत्म हो गई।

SHRI VAYALAR RAVI: The Government will not succumb to pressure. (*Interruptions*) The Government will not submit to pressure. (*Interruptions*)

SHRI S. JAIPAL REDDY: Mr. Ravi, the Government will not submit to pressure, but it will keep on persistently indulging in corruption. (*Interruptions*)

SHRI GURUDAS DAS GUPTA: You should succumb to reason, not to pressure.

SHRI S. JAIPAL REDDY: It is a Himalayan corruption. (*Interruptions*)

SHRI MD. SALIM: For the entire Session, the Government will not favour anything (*Interruptions*)

SHRI SUKH RAM: No conditions. (*Interruptions*)

SHRI GURUDAS DAS GUPTA: We are not putting any condition. (*Interruptions*) If the Minister's honesty is genuine, he will take into account our opinion. Otherwise, it is a dishonest move. (*Interruptions*)

DR. BIPLAB DASGUPTA: The whole Opposition will be tabling a motion to investigate what has gone wrong. We will place it on the Table of the House. (*Interruptions*) This has to be discussed. (*Interruptions*)

SHRI SUKH RAM: I am not pressing for the withdrawal. (*Interruptions*)

SHRI S. JAIPAL REDDY: You settle your scores. (*Interruptions*) Do not try to be too clever. (*Interruptions*) The Minister is trying to be too clever.

THE DEPUTY CHAIRMAN: Okay, please keep quiet. (*Interruptions*) It is the last Session. (*Interruptions*)

SHRI S. JAIPAL REDDY: Why cannot he bring a comprehensive Bill? (*Interruptions*) Why does he not agree to consult us? (*Interruptions*)

SHRI JAGDISH PRASAD MATHUR: Yes. (*Interruptions*)

SHRI VAYALAR RAVI: There are different fora to discuss this Bill. There is

a Standing Committee. There is a Sub-Committee. Everything is there. Why are you fighting on this?

श्री जगदीश प्रसाद माथुरः आपको पहले कंसल्ट करने में क्या है। हम कमिटमेंट नहीं मांगते।

THE DEPUTY CHAIRMAN: Where is the time for the Standing Committee, Mr. Ravi? *(Interruptions)* There is no time in this Session. *(Interruptions)* Let me complete this business, please. *(Interruptions)*

श्री जगदीश प्रसाद माथुरः जब हम लोग मांग कर रहे हैं...

उपसभापतिः हो गयी न बात खत्म

श्री जगदीश प्रसाद माथुरः केवल कंसलटेशन की मांग कर रहे हैं।

उपसभापतिः अच्छा हो गया। वे कंसल्ट नहीं कर रहे हैं।

श्री जगदीश प्रसाद माथुरः केवल पहले हमको कंसल्ट कर लें, मानना न मानना उनकी बात है।

THE DEPUTY CHAIRMAN: I do not understand. If he is not consulting, you cannot force him to consult. Please sit down.

श्री जगदीश प्रसाद माथुरः उनको लग रहा है कि जब हम कमिट कर लेंगे ..**(व्यवधान)**

THE DEPUTY CHAIRMAN: There is enough patience at my level.

श्री जगदीश प्रसाद माथुरः तब हमारी बात को मानना पड़ेगा। मानने का सवाल नहीं है। आप केवल कंसल्ट करें। कमिटमेंट का हो ही नहीं सकता। यह कभी अधिकार दे नहीं सकते कि आप मान लीजिए। केवल आप कंसल्ट कर लीजिए। फिर आप जैसा चाहें लाइए। हम कब मना करते हैं। आपको कंसल्ट करने में क्या दिक्कत है।

(Interruptions)

THE DEPUTY CHAIRMAN: Is there any peace in this House? Mr. Salim please take your hand down. No more discussion on this. Let me complete it. We are discussing this matter right from the last Session. Everybody was agitated *(Interruptions)*. I do not want anybody to interrupt me. The matter regarding the Telecome Policy has been discussed a lot in the Chairman's chamber, on the floor of the House and in the Business Advisory Committee. In the last Session, the hon. Minister wanted to bring it but there was no time. He was going abroad and the House agreed. He promised that he would come to the House. The Opposition had a demand that there should be a comprehensive Bill and there should be a statutory body which will look into other aspects also. I am a party to it and I have been observing everything. Now he came to withdraw it because according to him, he cannot bring any other Bill till he withdraws this. That is his viewpoint. Your viewpoint, after so much of discussion, I have come to the conclusion, is that you only want him to consult you, The point is, if he does not want to consult you, you cannot force him to consult you I have been trying to bring about a via-media, a consensus, between the two of you, that if it is beneficial for the country and for the people and for everybody else, it could have been much nicer. During this Session itself we could have allowed him to bring the Bill forward and we could have passed it before the end of this Winter Session. It could have been all right.

SHRI S. JAIPAL REDDY: Let the Minister respond,

THE DEPUTY CHAIRMAN: He has been responding for the last two hours...*(Interruptions)*...

SHRI MD. SALIM: Madam, I am on a point of order...*(Interruptions)*...

THE DEPUTY CHAIRMAN: No point of order...*(Interruptions)*...

श्री जगदीश प्रसाद माथुरः मैडम, हम समझते है कि अगर सरकार इतनी मामूली बात को कंसल्टेशन से नहीं करना चाहती है....**(व्यवधान)**.... आप कंसल्टेशन भी करने को तैयार नहीं हैं तो इसलिए मैं वाक आउट करता हूं। ....**(व्यवधान....)** यह ठीक नहीं है। ....**(व्यवधान....)**। हम वाक आउट करते है। ..**(व्यवधान)**..

(At this stage some hon. Members left the Chamber)

SHRI MD. SALIM: Madam, I am on a point of order.

THE DEPUTY CHAIRMAN: There is no discussion any more...(*Interruptions*)...

SHRI MD. SALIM: Madam, a motion has been moved by the Minister here to withdraw the Bill. While replying to the debate, the Minister has asked whether the Rules of Procedure permit him to bring a new comprehensive Bill before withdrawing this Bill ...(*Interruptions*)... He should have started a process of consultation ...(*Interruptions*)... He could have circulated a model comprehensive Bill ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: What can I do if he refuses to consult? ...(*Interruptions*)...

SHRI MD. SALIM: Madam, What is your ruling on this? We want your ruling, Madam. ...(*Interruptions*)...

SHRI S. JAIPAL REDDY: The Minister does not want to consult ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: Jaipalji, please sit down. ...(*Interruptions*)... He wants my ruling. ...(*Interruptions*)... Mr. Salim is an hon. Member of this House and he wants my ruling. ...(*Interruptions*)... Mr. Salim, what is your point of order?

SHRI MD. SALIM: Should I repeat, Madam?

THE DEPUTY CHAIRMAN: Is it necessary now?

SHRI MD. SALIM: Sure.

THE DEPUTY CHAIRMAN: I could not hear. ...(*Interruptions*)... I do not know what you said.

SHRI MD. SALIM: Madam, the Minister had moved a motion for withdrawing the Bill. Now, our position was that you amend the existing Bill or start a process of consultation or you bring a comprehensive Bill on the basis of the consultation. The Minister in his reply pointed out...(*Interruptions*)...

उपसभापति: अच्छा बोलिए।

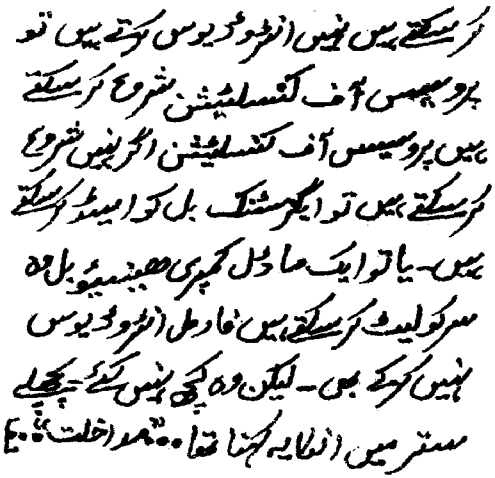
श्री मोहम्द सलीम: मैं कह रहा था ...(**व्यवधान**) आपकी सुविधा हो तो मैं हिन्दी में बोलू...(**व्यवधान**) मंत्री जी अपने जवाब में यह कहें कि अगर कायदा यह कहता है, कायदे का मतलब रूल्ज़ एंड प्रोसीज़र है। ...(**व्यवधान**)

[شری محمد سلیم: میں کہہ رہا تھا...
"مداخلت"... آپکی سعودیہ ہو
تو میں ہندی میں بولوں... "مداخلت"...
منتری جی اپنے جواب میں یہ کہیں کہ اگر قاعدہ
کہتا ہے - قاعدے کا مطلب رولز اینڈ پروسیجر
ہے... "مداخلت"...]

THE DEPUTY CHAIRMAN: I can understand, that you are asking me and not the Members. So you can speak in any language which I can understand.

श्री मोहम्मद सलीम: अच्छा मैडम, तो हम वह नए बिल को ले आ सकते हैं कंप्रीहेंसिव बिल। अब आप चेअर पर बैठी हुई हैं, मैडम, आपको यह बताना पड़ेगा, आपको यह कहना पड़ेगा, आप तो कहेंगी कि कायदे से वह बिल को इंट्रोड्यूस कर सकते हैं। नहीं इंट्रोड्यूस करते हैं तो प्रोसैस आफ् कंसल्टेशन शुरू कर सकते हैं। प्रोसैस आफ् कंसल्टेशन अगर नहीं शुरू कर सकते हैं तो एग्ज़िस्टिंग बिल को अमेंड कर सकते हैं। या तो एक मॉडल कंप्रीहेंसिव बिल वह सर्कुलेट कर सकते हैं फॉर्मल इंट्रोड्यूस नहीं करके भी, लेकिन वह कुछ नहीं किए पिछले सत्र में उनका यह कहना था ...(**व्यवधान**)...

[شری محمد سلیم: اچھا میڈم - تو ہم
وہ نئے بل کو لے آسکتے ہیں کمپری ہینسیو بل
اب آپ چیئر پر بیٹھی ہوئی ہیں - میڈم آپکو
یہ بتانا پڑیگا - آپکو یہ کہنا پڑیگا - آپ تو
کہینگی کہ قاعدے سے وہ بل کو انٹروڈیوس



THE DEPUTY CHAIRMAN: I or the House cannot force him to consult the Opposition. One thing. He has to withdraw it because it was already passed by the Lok Sabha and he can introduce another Bill. Another thing. Without withdrawal he can amend it there is a possibility. ...*(Interruptions)*...Just one minute. I have not yet completed my observation. It is entirely the prerogative of the Government to use whichever procedure they want. The Minister has chosen the course of withdrawal.

SHRI GURUDAS DAS GUPTA: Madam, we are not discussing the prerogative of the Government. ...*(Interruptions)*...

Madam, I seek your opinion. Is it obligatory that the Bill should be withdrawn in order to facilitate the introduction of a comprehensive Bill? It is not. According to you it is not. Therefore, all the arguments that the Ministry is giving do not hold ground at all to the Minister's argument for withdrawal. It does not hold any ground at all. Madam, therefore, the Minister's argument does not hold any ground, according to you, and according to my interpretation of your understanding.

DR. BIPLAB DASGUPTA: Madam, I have to draw your attention to the motion.

THE DEPUTY CHAIRMAN: Now, there are two issues. I have got your motion before me. *(Interruptions)* just a minute.

DR. BIPLAB DASGUPTA: You kindly look into it.

THE DEPUTY CHAIRMAN: Dr. Biplab Dasgupta, your matter is every technical, I will look into it and let you know tomorrow about the technical position because I will have to give the position of what happened in the past. Just now I told you something, that the Bill can be amended and it can go back to the Lok Sabha for further amendment. It could be. But I also said that it is entirely the prerogative of the Minister to do or not to do it. He has not taken recourse to that; he has chose the other one. It is up to him. If you have any other doubt in your mind, I can look into the procedure and let you know. As far as your motion is concerned, now that he is pressing for withdrawal, if you want to have a House Committee, you circulate your notice of motion. At least give some time to the Members and let the Chairman appoint a Committee and if he feels that he should appoint a Committee, he will appoint a Committee. Now, we have disposed of everything. That is all.

DR. BIPLAB DASGUPTA: Would you kindly read it out?

THE DEPUTY CHAIRMAN: Let the motion be admitted officially. It is not officially done. You have written an unwritten motion. I will read it out when it is officially admitted. There are two aspects of a motion: One, its admittance by the House and one, its acceptance by the Chairman. You can send a notice to the House, to the Secretariat. Let the Secretariat circulate it, let the Chairman admit it. Acceptance is delinked with your circulating it to the Secretariat. Okay. So you do that para, when the second part comes, it is entirely up to the Chairman. ...*(Interruptions)*...

सुनिए, मंत्री जी कुछ कह रहे हैं।

श्री सुख राम: मैडम, मैंने यह कहा कि मैं प्रेस नहीं करता। माननीय सदस्यों की भावनाओं को मैंने सुन लिया है और इन की भावनाओं की कद्र करते हुए मैंने यह कहा कि मैं प्रेस नहीं करता। सैकंड पॉइंट यह है कि कंसल्टेशन से मुझे क्या एतराज है? वह बिल आ गया है और बिल अगर इस माननीय सदन में आएगा, कंसल्टेशन की स्टेज तो तब आती है, यह चीज माननी है, नहीं माननी है। जब कांप्रिहेंसिव बिल आ गया उसी कहने पर बिल तो बन गया है ...(**व्यवधान**)...कैबिनेट मेमोरेंडम जब बनता है, आप तो सरकार में रहे हैं, तो वह सारे मंत्रालयों को सर्कुलेट होता है। वह सारा होकर कैबिनेट ने अप्रूव कर दिया है, अब मैं कंसल्टेशन किस स्टेज पर करूं? जब आप ने कहा कि काम्प्रेहेंसिव बिल लाना है, आप की भावनाओं की कद्र करते हुए वह बिल ले आया।

उपसभापति: अभी आया नहीं है न मंत्रीजी?

श्री सुख राम: आना है, मगर जब नहीं चाहते ....

उपसभापति: देखिए मंत्रीजी, मैं आप को एक छोटीसी गाइडेंस देती हूं। इस हाउस में या किसी भी हाउस में जब आप बोलें तो एक-एक लफ्ज सोच-समझकर बोलिए। आप ने कहा कि बिल आ गया अभी आप को फौरन पकड़ लेंगे ये लोग कि किधर आ गया?

You will be caught, there will be difficulty. You say the Bill is ready.

आप कहिए कि बिल तैयार हो गया है।

If you want it to be circulated, you can circulate it. At that stage you can have consultations with the Members and then come to a conclusion.

आया नहीं है, मगर तैयार है।

SHRI SUKH RAM: Madam, my statement is very clear. The comprehensive Bill is going to be introduced in the Lok Sabha the moment this is withdrawn.

4 P.M. Notice has already been given to the Lok Sabha. Notice has already been sent. But the question is, if the Members do not agree for the withdrawal of the Bill, what can I do? I have to respect the wishes. I have to respect the wishes of hon. Members.

THE DEPUTY CHAIRMAN: Mr. Minister, you send the notice here also. You circulate the Bill here also. Let this be read by the Members and, if they have anything to suggest, they can discuss it with you.

Now, this matter is over. We will go ahead with the rest of our business.

Mr. Sibtey Razi, please.

SHRI S. JAIPAL REDDY: What has happened to the withdrawal of the Bill, Madam? Has it been withdrawn?

THE DEPUTY CHAIRMAN: He is not pressing for the withdrawal.

SHRI S. JAIPAL REDDY: The Minister has not pressed for the withdrawal of the Bill. It means, he is not intending to bring forward a new Bill. He wants to make a lame excuse out of his non-withdrawal so that he can default on the question of bringing forward a new, comprehensive, Bill. Madam, would the Minister agree to consult us in regard to the new Bill before he wants to withdraw the Bill?

THE DEPUTY CHAIRMAN: Exactly, that is what I said in Hindi to him.

SHRI S. JAIPAL REDDY: What did he say? We could not follow.

If you had followed it, would you kindly explain?

THE DEPUTY CHAIRMAN: He said that notice had already been sent to the Lok Sabha. He also said that respecting the wishes and sentiments of the Members in this House, he was not pressing for the withdrawal of the Bill. Therefore, the position remains as it is. Neither the Bill is withdrawn....

SHRI S. JAIPAL REDDY: If the Bill is not withdrawn, as he himself had said, he cannot introduce a new Bill.

THE DEPUTY CHAIRMAN: Yes.

SHRI T. VENKATRAM REDDY (Andhra Pradesh): Why did you oppose the withdrawal, Mr. Reddy ?

SHRI S. JAIPAL REDDY: We opposed the withdrawal of the Bill because we were not sure whether the Minister would consult us and bring forward a new Bill, a comprehensive Bill, for discussion.

SHRI VAYALAR RAVI: Notice has already been sent to the Lok Sabha.

SHRI S. JAIPAL REDDY: How do we know?

SHRI VAYALAR RAVI: He said it. *(Interruptions)*

THE DEPUTY CHAIRMAN: Now, it is over. Mr Sibtey Razi, please.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SYED SIBTEY RAZI): Madam, during the Zero Hour this morning, a point was raised by Mr. Sikander Bakht about the Jammu and Kashmir situation. I have to inform the House. on behalf of the Home Minister...*(Interruptions)*

THE DEPUTY CHAIRMAN: Mr Jaipal Reddy, please. Let this be over. He is already on his legs.

SYED SIBTEY RAZI: Madam, on behalf of the Home Minister, I would like to inform the House that the Home Minister would be making a *suo motu* statement in the House tommorrow on the Jammu and Kashmir situation.

DR. BIPLAB DASGUPTA: What time?

SYED SIBTEY RAZI: We will decide it, Madam.

THE DEPUTY CHAIRMAN: Let us know the time because the Members would like to be here. *(Interruptions)*

SHRI MD. SALIM: Madam, the statement should come from the Prime Minister himself.

SHRI S. JAIPAL REDDY: What is the status of this Bill, Madam?

THE DEPUTY CHAIRMAN: The status is that the Bill which was listed in today's order paper for the purpose of withdrawal is not being withdrawn. It remains as it is pending in this House. That is it. Mr. Salim, You have to take over from me. *(Interruptions)*

SHRI S. JAIPAL REDDY: Madam, we would like to put the record straight. By this non-withdrawal, the Minister's darkly designs are solely...*(Interruptions)*

SHRI MD. SALIM: Madam, I just want to make one point about the announcement made by the Minister of State for Home Affairs. *(Interruptions)*

SHRI SUKH RAM: If I had no intention, I would not have come before the House. If I had no intention of bringing forward a comprehensive legislation, why did I come before this House? *(Interruptions)*

SHRI MD. SALIM: Madam, there is a separate department under the Prime Minister, dealing with Kashmir Affairs. Therefore, if any statement is to be made, it should come from the Prime Minister himself. *(Interruptions)*

SHRI S. JAIPAL REDDY: Madam, let it be on record. The Minister has chosen to confront the Opposition on this question and he wants to go ahead with this business. *(Interruptions)*

SHRI SUKH RAM: As I said earlier, I respect your wishes. That is why I am not pressing for the withdrawal of the Bill. *(Interruptions)*

SHRI S. JAIPAL REDDY: We never said that we were opposed to the withdrawal.

[The Vice-Chairman (SHRI MD. SALIM) In the Chair]

THE VICE-CHAIRMAN (SHRI MD. SALIM): Shri G. Venkat Swamy. There is another Bill for withdrawal.

THE BUILDING AND OTHER CONSTRUCTION WORKERS (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) BILL, 1988

THE MINISTER OF LABOUR (SHRI G. VENKAT SWAMY): Mr. Vice-Chairman, Sir, I beg to move for leave to withdraw the Building and other Construction Workers (Regulation of